

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

UNITED STATES OF AMERICA, ) Case No.: 07-CR-788- LHK  
Plaintiff, ) PRE-TRIAL CONFERENCE ORDER  
v. )  
CHRISTOPHER SARIOL, )  
Defendant. )

A pre-trial conference as to Defendant Sariol was held on April 25, 2012. Assistant U.S. Attorneys Jeffrey Nedrow and Jeffrey Schenk were present. Defendant Christopher Sariol was present with his counsel, Assistant Federal Public Defender Cynthia Lie.

## Case Deadlines

The Court set the following deadlines:

The government shall complete and produce FBI 302's as to James Hetrick and Dave Brown by 10 a.m. on April 26, 2012, and produce contact information for Tracy Affeldt on April 25, 2012.

The government shall file its revised exhibit list by 9:30 a.m. on April 26, 2012. Defendant shall file his objections to the revised exhibit list by 3 p.m. on April 26, 2012.

The government shall file a revised verdict form to include unanimity as to overt act(s) on April 25, 2012.

Defendant Sariol's Fed. R. Evid. 402 and 403 objections, not to exceed two pages, to portions of the testimony of Kathy Matthews shall be filed by 9:30 a.m. on April 26, 2012. The government's response, not to exceed two pages, shall be filed by 6 p.m. on April 26, 2012.

The government shall file a forfeiture instruction on April 27, 2012.

## Ruling on Pre-Trial Motions

For the reasons stated on the record, the Court issued the following rulings on the following pre-trial motions:

United States' Motion in Limine #1"-- Motion to Preclude Defense References to "Missing" Co-Defendants: GRANTED.

**United States' Motion in Limine #2 -- Admissibility of Co-Conspirator Statements: GRANTED.**

United States' Motion in Limine #3 -- Admissibility of Plea Agreements of Cooperating Witnesses: GRANTED.

United States' oral objection to the testimony of Jennifer Johnson on Fed. R. Evid. 401 grounds:  
**TO BE DECIDED AT TRIAL.**

1 Defendants Sariol, Goldberg, and Aycock's Motion to Compel Complete Disclosure of  
2 Cooperating Witnesses' Statements in Plea Negotiations: DENIED.

3 Defendants Sariol, Goldberg, and Aycock's Motion to Exclude Hearsay Evidence of Estimator  
4 Activity at National Moving Network: DENIED as to co-conspirator statements. Regarding  
5 customer complaints and statements, the parties agreed to meet and confer regarding, and  
Defendant Sariol agreed to identify in a Court filing by noon on April 26, 2012, the specific  
customer complaints and statements in dispute.

6 Defendants Sariol and Goldberg's Motion in Limine to Exclude Final Weight Quantitation  
Pursuant to Fed. R. Evid. 403: DENIED.

7 Defendant Sariol's Motion for Leave to File Motion for Reconsideration of Order Denying Sariol's  
Renewed Motion to Dismiss: DENIED.

8 Further Pre-Trial Conference

9 As set forth on the record, the parties were still attempting to resolve computer imaged hard  
10 drive production issues. Accordingly, a further pre-trial conference was set for April 26, 2012 at  
3:30 p.m.

11 **IT IS SO ORDERED.**

12 Dated: April 30, 2012



13 LUCY H. KOH  
14 United States District Judge